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NonRoad Emissions Standards Proposed

The EPA has recently been working towards new standards for several types of nonroad engines. Emission standards were proposed for both new and existing locomotives and marine diesel engines in February 2007 and will be finalized in early 2008.

The locomotive and marine diesel engine emission standards will reduce nitrogen oxides (NOx), volatile organic compounds (VOCs) and diesel particulate matter (PM). Locomotives and marine diesel engines meeting the new standards will emit 90% less diesel PM as compared to engines meeting the current standard. Implementation will begin as early as 2008 for existing engines and in 2009 for new engines.



The EPA also proposed emission

standards for small gasoline engines (marine spark-ignition engines and small land-based nonroad spark-ignition engines) in April 2007. These emission standards are scheduled to be finalized in June 2008. The emission standards, which are expected to be implemented as early as 2009, will result in significant reductions in VOCs, NOx and PM. The proposal noted a reduction of 630,000 tons of VOCs by the year 2030. This will include significant reductions in air toxic emissions; the proposal estimated a 40% reduction in benzene from small non-road spark-ignition engines and marine spark-ignition engines.



Contact: Molly Zawacki at zawacki.molly@epa.gov

New Source Review of Air Pollution Sources

On August 21, 2006 EPA proposed regulations on the Review of New Sources and Modifications in Indian Country. This regulation is a FIP (Federal Implementation Plan) for two basic air quality regulations for the protection of communities in Indian country. The first rule would apply to minor stationary sources and minor modifications at major stationary sources in Indian country (minor New Source Review (NSR) rule). The second rule would apply to all new major stationary sources and major modifica-

tions located in areas of Indian country that are designated as not attaining the National Ambient Air Quality Standards (NAAQS) (nonattainment major NSR rule).

EPA has initial authority for implementing these programs. Tribes will be able to develop streamlined, simpler regulations to receive authority under a tribal implementation plan (TIP). Tribes will also have the option of receiving delegated authority by agreeing to implement these



New Source Review (from page 1)

federal rules. EPA will always retain criminal enforcement authority.

To help identify implementation issues, there is a tribal work-group that meets each month. The work group is currently developing detailed guidance on how Tribes can obtain authority for these permitting programs. This guidance will describe the process and provide sample documents for tribal use. This

will make it easier for tribes to receive authority for these programs, if a tribe wishes to accept such authority.

Contact: Nancy Mayer at mayer.nancy@epa.gov

“Working Effectively with Tribal Governments” Training

On November 28, 2007, OAQPS had a very successful turnout for a one-day training session on Working Effectively with Tribal Governments. It was a great way to cap off American Indian Heritage Month. This training session was open to all EPA personnel and had RTP, Regional and Headquarters participation.



John Kinchloe, from Meredith College, opened the session with a flute prelude, and also discussed the different types of flutes used, the Indian culture from which the tune originated and the purpose of the songs. Jerry Pardilla of the Penobscot Indian Tribe and the Director of the National Tribal Environmental Council then led an invocation, expressing hopes for a better understanding of each others culture, and building stronger environmental relationships between EPA and tribal government. Gregory Green, Acting Director of the Outreach and Information Division welcomed all participants and expressed his expectations for a great

meeting.

Opening topics raised awareness of tribal issues and history:

Jerry Pardilla led a very interesting discussion about the Indian culture and how it influences their approach to environmental work.

Todd Siegal, EPA Attorney for the Office of General Council, highlighted some of the more significant laws, treaties and policies of the last 200 years. His discussion provided a good background for understanding terms like tribal lands, government-to-government relations and trust responsibility.

Julia Coates, Assistant Professor of Native American Studies at the University of California, Davis and a member of the Cherokee Nation, provided a very interesting perspective of the history of Native Americans and their treatment over the last 200 years. Her discussion was eye-opening, especially with respect to the implications of past failures to understand Indian cultures. Even in cases where our policies may have been well intended, failure to understand the culture has resulted in bad outcomes and damaged tribal relationships. Many participants mentioned that the information Julia presented had a profound effect on them.

The Tribal Consultation Policy is posted on the OAR Tribal Website at www.epa.gov/oar/tribal/airprogs.html#policy



Jerry Pardilla, Penobscot Indian Tribe and Director of the National Tribal Environmental Council

“Working Effectively” Training (from page 2)



Julia Coates, Cherokee Nation and University of California, Davis

With a good background on Indian culture and past/current policy, the afternoon turned to what EPA can do to work with tribal governments. Ondrea Barber, Air Program Manager from the Salt River Indian Community, and Steve Crawford, Director of the Pleasant Point Passamaquoddy Tribe provided some background on their tribes’ environmental programs and their experience, both positive and negative in working with EPA. Not only are there issues with the lack of adequate funding, but also with the method of receiving funds, such as tribes needing to compete against other tribes for grant funds.

Other issues presented for EPA staff included simpler considerations, such as: etiquette for approaching tribal representatives and eliciting comments, as well as understanding the tribal preference for slower, more deliberate, decision-making. At times, EPA tends to overlook these simple but important cultural differences which can affect outcomes and relationships.

After hearing from some of the tribal environmental programs, Laura McKelvey (OAQPS), Group Leader of the Community and Tribal Programs Group provided an update on the



OAQPS document entitled, “Consulting with Indian Tribal Governments.” This document introduces staff and managers to the basics of government-to-government consultation with American Indian governments for OAQPS work. The Consultation Policy is posted on the OAR Tribal Website (www.epa.gov/oar/tribal/airprogs.html#policy).

The training concluded with a Questions and Answer panel involving all previous speakers, plus Stephen Hartsfield, National Tribal Environmental Council; Annabelle Allison, Institute of Tribal Environmental Professionals; and Darrel Harmon, the Office of Air and Radiation. The panel addressed several questions from participants which helped provide a better understanding of tribal communities and, as government representatives, how best to interact with these communities.

Contact: Vickey Epps-Price at epps-price.lena@epa.gov

Training materials and presentations are available on the OAR Tribal Website: www.epa.gov/oar/tribal/WETG.html

“Improve and Protect Air Quality” Training Held in Alaska

The Office of Air Quality Planning and Standards (OAQPS), along with the Alaska Department of Environment and Conservation put on this successful 3 day workshop in Anchorage last November 6-8. This effort required coordination with staff from OAQPS, Region 10 EPA, ITEP, and environmental staff from Alaska native villages.

The participants rated highly the air quality topics presented, and all contributed toward the goal of building relationships with state and Federal agencies to improve air quality in Alaska native villages.

Participants also appreciated the two field trips: one to an Anchorage monitoring station and one to the Anchorage Public



Alaska Training (from page 3)

Works Department to learn best practices for dusty roads, a major source of particulate matter pollution in Alaska.

The next Air Quality Workshop will be held in Kansas City, May 6 - 8 and will focus on the needs of Region 7 tribes.

Contact: Melissa McCullough, OAQPS at mccullough.melissa@epa.gov



EPA Reviews the Lead NAAQS

EPA is under a court-ordered deadline to review the National Ambient Air Quality Standards (NAAQS) for lead. The Agency must issue a proposed decision by May 1, 2008 and a final decision by September 1, 2008 regarding whether to revise the standard. Tribes interested in the outcome of this decision should be aware of the tight timetable associated with this rulemaking. Given the short time period between proposal and final rule, the comment period may be as short as 30 days.

The current primary and secondary standards of $1.5 \mu\text{g}/\text{m}^3$, measured as the maximum quarterly average of lead in total suspended particulate matter (TSP), were set in 1978. Since that time, the U.S. has made tremendous progress in reducing lead concentrations in the outdoor air. From 1980 to the present, national average air concentrations of lead have dropped nearly 96 percent. Since the late 1970s, blood lead concentrations for children ages one to five have dropped significantly, from

an average of about 15 micrograms per deciliter ($\mu\text{g}/\text{dL}$) to less than $2 \mu\text{g}/\text{dL}$. Much of this improvement is the result of the phase-out of lead in gasoline. Only two areas, East Helena, Montana and Herculaneum, Missouri, remain designated nonattainment with the lead NAAQS. The industrial facility contributing to the lead problem in the East Helena area closed in 2001.

Nationally, however, lead continues to be emitted into the air from a number of sources. The larger industrial sources of lead emissions currently include metals processing, particularly primary and secondary lead smelters. Other smaller point sources include combustion sources such as utilities and boilers. While motor vehicle emissions have declined dramatically, lead is still used as a fuel additive in aviation gasoline for some general aviation aircraft, and remains a trace contaminant in gaso-

Since 1980, ambient lead has dropped nearly 96%, and, with it, childrens' blood levels.

Much of this is due to the phase-out of lead in gasoline.



Lead NAAQS (from page 4)

line, diesel fuel and lubricating oil. Lead emissions from motor vehicles may also result from brake wear, tire wear and loss of leaded wheel weights, though EPA does not have estimates of the magnitude of these emissions in our national inventory.

In this review, EPA is working to characterize current emissions and air quality information, and is evaluating the public health impacts of lead in ambient air to determine whether the current lead NAAQS need to be revised.

In December 2007, EPA issued an Advance Notice of Proposed Rulemaking (ANPR) to invite comment on a wide variety of issues for the lead NAAQS to help inform the Agency's development of a proposed rule (see http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_cr_fr.html). Specifically, the ANPR invited comment on the available scientific evidence concerning the health and welfare effects of lead; current exposures and health risks; and policy options for addressing air-related lead exposures and risks. The policy options upon which the Agency invited comment ranged from revoking the standard entirely, to retaining the current lead NAAQS, to revising the standards to levels as low as $0.02 \mu\text{g}/\text{m}^3$.

EPA received a number of comments, including a detailed letter from the Agency's Clean Air Scientific Advisory Committee (CASAC), on the issues raised in the ANPR. In its letter, CASAC reiterated its earlier advice to the Agency to strengthen the lead NAAQS to a level no higher than $0.2 \mu\text{g}/\text{m}^3$, to shift to a monthly

rather than quarterly averaging time, and to transition to monitoring lead in PM_{10} rather than lead in TSP to enhance the accuracy and precision of ambient measurements.

Because of the tight court-ordered schedule for completing this rulemaking, we encourage the Tribes to be on the lookout for the proposal, which will be posted on EPA's website (www.epa.gov/air/lead.html) on or before May 1, 2008—as soon as it is signed by the Administrator. OAQPS will alert tribes via the Tribal Air listserv once the proposal is available.



EPA is planning two public hearings on the proposal, most likely in mid-May. Locations and dates for the hearings will be announced in the Federal Register and posted on the Agency's website at the above address as soon as arrangements are finalized.

We encourage interested Tribes to testify at the public hearings or to provide their written comments on the proposal during the public comment period.

Contact: Deirdre Murphy at

Murphy.deirdre@epa.gov

The court-ordered schedule will likely necessitate a comment period as short as 30 days.

We encourage Tribes to watch for the proposal on or before May 1, 2008, on EPA's website: www.epa.gov/air/lead.html. Locations and dates for two planned public hearings will be posted here also.

Goodbye..... to Julie McClintock

In May 2008 I'll leave EPA and complete 8 years of working with Tribes. So many wonderful, difficult and gratifying experiences with individuals come to mind in my years working with Tribes. It was through my interactions with Tribal professionals on key projects where I learned most about you and the air quality needs of tribes.

My introductory project was completing "Developing a Tribal Implementation Plan". In the process I learned to take into account Tribal cultural traditions in our rules, programs and guidance. Next, I volunteered to work with the EPA Regional Tribal Air Coordinators (TACs) to write an "Explanation of Tribal Authority", to put into plain language what the Tribal Authority Rule says about tribal air programs - no simple feat! Assistant Administrator Robert Perciasepe sent the completed document to all Federally recognized Tribes.

With encouragement from Tom Helms, the ozone program manager now retired, and the blessing of Laura McKelvey, EPA's first Tribal Coordinator, I led a team to develop a special document for Tribes for the 8 hour ozone designations process. This

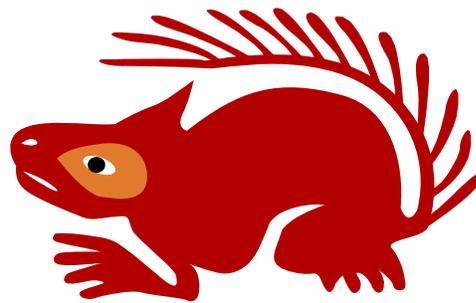


action was a milestone for EPA because it marked the first time EPA had attempted to encourage tribes to join the designations process for a national air quality standard. When we finished the Tribal guidance, we learned to our surprise that while many Tribes wanted to participate, it was clear we needed to bring the Tribes into the regulatory development process much earlier. We learned from the unhappiness expressed by some Tribes and staff at the newly formed NTAA, and changed our ideas about our work with Tribes. As a result, EPA formed a National Tribal Designations Workgroup to take input during the process. This workgroup met for 3 years giving EPA the opportunity to learn about Tribal designations concerns, and Tribes a place to learn about designations. The Workgroup produced two excellent documents authored by the involved Tribal professionals and was widely distributed. It described each concern raised by Tribes and how EPA would attempt to address them. Tribes and our office still depend on these documents.

As our relationships with Tribes grew, we con-

tacted Tribes and encouraged them to participate in public hearings held to take input on the implementation rule for the 8 hour ozone standard. It was thrilling for me to see Tribal professionals and their professional organization, the NTAA, communicate their concerns about New Source Review and ozone implementation in these public hearings, and later to our office director by letter and in face to face meetings. By this time, Tribal professionals wanted more information about OAQPS

actions and policies. In collaboration with the NTAA, we broadened the Designations Workgroup calls to include all current air policies and rules-- these Tribal Air calls go on to this day.



The last chapter of my tribal work has been the most fun for me and of value to Tribal air programs. In thinking about our responsibility to improve air quality in Indian country, we developed a curriculum for building relationships with states, even though states, in general, have no regulatory control over Tribes. By learning how and when the state regulates problem sources, Tribes can influence the contents of the State Implementation Plan, which defines how sources affecting Indian country are regulated. To date EPA, in coordination with ITEP and the NTEC, has held five training workshops in Chi-

cago, San Diego, Tulsa, Seattle and Anchorage.

These workshops continue because of the enthusiastic support of the Tribes and the financial support of EPA. A sixth workshop will be offered in Kansas



City May 6 - 8, 2008.

To all my friends in Indian country, I've enjoyed knowing each of you and learning about you and your lives. At a youthful 68, I turn toward my land preservation and stream restoration projects, learning the banjo, and enjoying my family - my husband, children, and 6 grandchildren. Stay in touch.

Mcclintock.julie@mindspring.com

... And Hello to Melissa McCullough

I'd like to introduce myself as a new OAQPS/CTPG person working on tribal air matters. My name is Melissa McCullough, and I'm a pretty "experienced" OAQPser, in that I have been here a pretty long time – since 1988. I have a diversity of experience to bring to the tribal work, including experience in sustainability, community programs for energy, green building, air toxics, persistent bioaccumulating toxics and the PSD program, among other things.

My education includes a degree in Psychology, with a minor in Biology, from the University of the South, in Seawane, TN, as well as a Master's of Environmental Management from what is now the Duke University Nicholas School of the Environment in Applied Ecology and Ecotoxicology. I worked at the NC Division of Coastal Management for 5 years before I came here, on issues of water quality, land use planning and oceanfront hazards, primarily.



On the personal side, I'm an ISTP (for you Myers-Briggs fans), i.e. introverted and a big-picture kind of thinker. I have a quirky sense of humor and a pas-

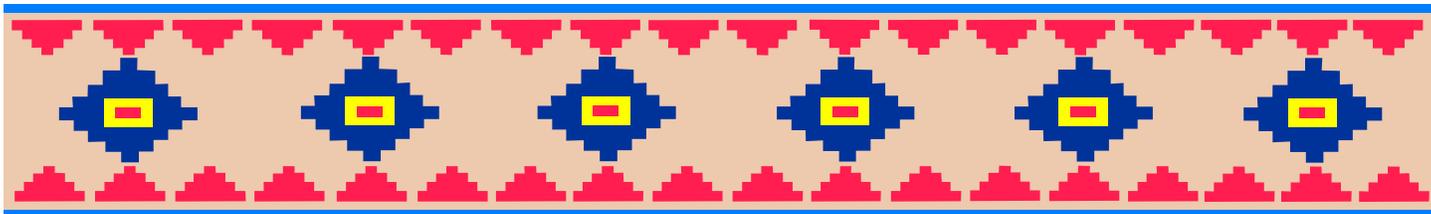
sion for Sustainability as an approach for the future. I have two kids, one of whom is a teenage daughter, should any of you like to commiserate on that particular agony of parenting. (American teenage girls do very badly on ecological footprint surveys!) My son is 20 and majoring in political science and art. When I have spare time I walk my dogs in nearby Duke Forest, throw pots and do beadwork. I also moved into a nearly state-of-the-art "green" house almost a year ago, and have lots of good things to say about green building. My biggest shortcoming is my memory, and I hope you will forgive me when I forget a name. As I see faces to go with the names and the disembodied voices from the calls, I will get better!

As I come into CTPG, I am taking on an assortment of tribal tasks. I will be doing a lot of coordination-type tasks, such as participating on various teams, as well as working on the tribal trainings and this newsletter. Other tasks I do here in my new group include being the lead for the Sustainable Skylines Region III city (to be selected), participating on the EPA-RTP Environmental Management Systems team and leading deployment of our new community climate and air pollution planning tool which ICLEI (Local Governments for Sustainability) is developing for us.

Should you all think of new ways I might use my expertise and tools for the benefit of the tribes, please feel free to drop me an email! You can contact me at mccullough.melissa@epa.gov.

We invite suggestions for topics you would like to read about, or that you would like to write about, in future newsletters.

We especially welcome articles from tribes for tribes!



Nominations for Virgil Masayesva Awards Due by March 7



Nominations are now open for the Virgil Masayesva Tribal Air Programs Excellence Award. This award is to recognize outstanding contributions by tribal environmental staff, tribal air programs, or other environmental professionals who have demonstrated leadership in tribal air programs in support of enhancement and improvement of human health and environmental protection in Indian country. Nominations are open, including self-nominations.

Tribal environmental professionals, tribal programs, environmental professionals in consortia, universities or other areas who have supported air quality protection in Indian country are eligible for nomination. TAMS and ITEP staff are not eligible for this award.

Award Categories:

Technical Excellence – Recognition of outstanding technical effort in monitoring, risk assessment, modeling, or other technical activities.

- Demonstrated leadership in use of technology
- Demonstrated leadership in developing policies and strategies in technical areas (monitoring strategies, risk assessment approaches, data management etc.)
- Support other tribal air programs

Tribal Program Development – Recognition of outstanding efforts in developing TAS, Tribal regulations or codes, strategic planning and other programmatic activities.

- Demonstrate leadership in developing tribal air programs
- Development of codes, regulations, TIPs or voluntary programs to address air quality issues in Indian country.
- Demonstrate an ability to leverage resources to support tribal air programs

Tribal Program Capacity Building and Communications – Recognition of outstanding efforts to provide training, tools, communications, and other areas of support and capacity building for tribal air programs.

- Demonstrate creativity in developing resources and information to support tribal air programs
- Demonstrate an personal investment to providing support and capacity building for tribal air programs

Timing – Nominations will be reviewed and voted on by the TAMS Steering Committee. Please send nomination forms and supporting information to Lee Rose at the TAMS Center by



Nomination Form

Virgil Masayesva Tribal Air Programs Excellence Award

Nominated by: _____

Individual or Program nominated: _____

Date: _____

Nomination Category: Please check the appropriate category.

Technical Excellence – Recognition of outstanding technical effort in monitoring, risk assessment, modeling, or other technical activities.

Tribal Program Development – Recognition of outstanding efforts in developing TAS, Tribal regulations or codes, strategic planning and other programmatic activities.

Tribal Program Capacity Building and Communications – Recognition of outstanding efforts to provide training, tools, communications, and other areas of support and capacity building for tribal air programs.

Please provide a description of the work / accomplishments of the person / program being nominated for this award.

Send nomination forms to:

Lee Rose, Administrative Assistant, TAMS Center, Phone: 702-784-8264, Fax: 702-784-8264, Email: lee.rose@nau.edu

OAQPS Develops Tribal Program Plan for 2008-2013

The Office of Air Quality Planning and Standards (OAQPS) has entered into its tenth year of supporting Tribal programs. What began as an effort by one staff person in 1998 has grown into a formal program, with the formation of a cross-divisional OAQPS Tribal Team, which seeks to engage with Tribes on various air quality issues. To help in this effort, the office has just completed development of the **Office of Air Quality Planning and Standards Tribal Program Plan 2008-2013**. The plan spans a period of 2008 through 2013,

just like the EPA Strategic Plan. This Tribal program plan focuses on the priorities of the Office of Air and Radiation, OAQPS, and the needs and priorities as expressed by many of the Tribes. This plan discusses OAQPS' Tribal mission statement, objectives, and specific activities OAQPS will conduct to meet these objectives. This plan will be updated on a bi-annual basis. For more information please contact Laura McKelvey at 919-541-5497 or mckelvey.laura@epa.gov. You can also find a copy of the plan on the OAR Tribal website.

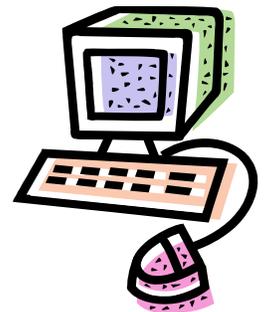


Dates to Remember

- ⇒ March 6 at 2:00 EST - Next NTAA call
- ⇒ March 7 - Virgil Award nominations are due
- ⇒ May 6-8 - Improve and Protect Air Quality Training in Kansas City
- ⇒ June 3-5-National Tribal Forum/NTAA Conference in Las Vegas
- ⇒ July 29-31 - New Source Review Training in Research Triangle Park

Websites of Interest

- ◆ OAR Tribal Website:
www.epa.gov/oar/tribal/
- ◆ Environmental Justice website:
www.epa.gov/air/ej/
- ◆ Community Programs website:
www.epa.gov/air/community/



Tribal Air News is produced by the Environmental Protection Agency's Office of Air Quality Planning and Standards Outreach and Information Division, the Community and Tribal Programs Group.

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For more information about the newsletter, or to contribute stories and pictures contact:

Laura McKelvey: mckelvey.laura@epa.gov

Or Melissa McCullough: mccullough.melissa@epa.gov

We're on the web at: www.epa.gov/oar/tribal

